

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

REUBEN JOSEPH REYES,

Plaintiff,

v.

KATHLEEN ALLISON, et al.,

Defendants.

Case No. 1:22-cv-01467-JLT-EPG (PC)

ORDER RE: PLAINTIFF’S LETTER DATED
APRIL 27, 2023

(ECF No. 21)

Reuben Reyes (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action filed pursuant to 42 U.S.C. § 1983, which includes state law claims.

On May 2, 2023, the Court received a letter from Plaintiff dated April 27, 2023. (ECF No. 21). In his letter, Plaintiff informs the Court that he mailed his response to the screening order as instructed by the Court prior to the deadline. Plaintiff also asserts that he did not consent to magistrate judge jurisdiction, and he asks why a magistrate judge screened his complaint even though he did not consent and wants a district judge to preside over his case.

The Court notes that it received Plaintiff’s response to the screening order, and it was timely filed. Additionally, District Judge Jennifer L. Thurston has been assigned to this case. (ECF No. 13). However, the undersigned will still handle aspects of Plaintiff’s case. See, e.g., 28 U.S.C. § 636(b)(1)(A) (“a judge may designate a magistrate judge to hear and determine any pretrial matter pending before the court, except a motion for injunctive relief, for judgment on the pleadings, for summary judgment, to dismiss or quash an indictment or information made by the

1 defendant, to suppress evidence in a criminal case, to dismiss or to permit maintenance of a class
2 action, to dismiss for failure to state a claim upon which relief can be granted, and to involuntarily
3 dismiss an action.... A judge of the court may reconsider any pretrial matter under this
4 subparagraph (A) where it has been shown that the magistrate judge's order is clearly erroneous
5 or contrary to law.”); 28 U.S.C. § 636(b)(1)(B) (“a judge may also designate a magistrate judge to
6 conduct hearings, including evidentiary hearings, and to submit to a judge of the court proposed
7 findings of fact and recommendations for the disposition, by a judge of the court, of any motion
8 excepted in subparagraph (A), of applications for posttrial relief made by individuals convicted of
9 criminal offenses and of prisoner petitions challenging conditions of confinement.”) (footnote
10 omitted); Local Rule 302(c)(17) (“**Duties to Be Performed in Civil Matters by a Magistrate**
11 **Judge Pursuant to 28 U.S.C. § 636(a), (b)(1)(A), (b)(1)(B), (b)(3), or Other Law.** Actions
12 brought by a person in custody who is seeking habeas corpus relief (28 U.S.C. § 2241 *et seq.*), or
13 any relief authorized by 42 U.S.C. § 1981 *et seq.*, *Bivens* or the Federal Tort Claims Act including
14 dispositive and non-dispositive motions and matters.”).

15 The Court will take no further action on Plaintiff’s letter.

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17 IT IS SO ORDERED.

18 Dated: May 3, 2023

19 /s/ Eric P. Grogan
20 UNITED STATES MAGISTRATE JUDGE
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